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PATENT  
802220-0022US

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: BELLIARD et al.

Appln. No.: 10/735,603

Filed: December 12, 2003

For: **INTERVERTEBRAL DISK PROSTHESIS**

Examiner: Unknown

GAU: 3738

Confirmation No.: 1725

**INFORMATION DISCLOSURE STATEMENT**Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA, 22313-1450

Sir:

Applicant(s) hereby make of record in this application the enclosed references listed on the attached copy of Form PTO/SB/08A and/or B. The paragraph(s) checked off below are applicable to this Information Disclosure Statement.

- ☐ (1) Pursuant to 37 C.F.R. § 1.97(b)(1) and (2), the attached Information Disclosure Statement is being filed within three months of the filing date of the above identified national application or within three months of the date of entry of the national stage as set forth in 37 C.F.R. § 1.491 of the above identified application. Accordingly, no fee or statement under 37 C.F.R. § 1.97 (e) is believed required.
- ☒ (2) Pursuant to 37 C.F.R. § 1.97 (b)(3), it is believed that the attached Information Disclosure Statement is being filed before the mailing date of a first Official Action on the merits. Accordingly, no fee or statement under 37 C.F.R. § 1.97 (e) is believed due. If in fact the first Official Action has been mailed prior to the filing of the attached Information Disclosure Statement, please treat the attached Information Disclosure Statement under 37 CFR § 1.97(c), and charge the fee set forth in § 1.17(p) to Deposit Account No. 502-927 in the absence below of a statement under 37 CFR § 1.97(e).
- ☐ (3) Pursuant to 37 C.F.R. § 1.97(b)(4), the attached Information Disclosure Statement is being filed before the mailing date of a first Official Action after the filing of a Request for Continued Examination under 37 C.F.R. § 1.114. Accordingly, no fee or statement under 37 C.F.R. § 1.97(e) is believed required.
- ☐ (4) Pursuant to 37 C.F.R. § 1.97(c), the attached Information Disclosure Statement is being filed before the mailing date of a final Official Action or a Notice of Allowance and is accompanied by:
- ☐ an appropriate statement under 37 CFR § 1.97(e)(see below); or
- ☐ the fee set forth in § 1.17(p).

PETITION UNDER 37 CFR § 1.97(d)

- ☐ (5) Pursuant to 37 CFR § 1.97(d), applicant(s) hereby petition(s) for consideration of the attached Information Disclosure Statement which is being before or concurrent with payment of the Issue Fee. This petition is accompanied by an appropriate statement under 37 C.F.R. § 1.97 (e) and the petition fee set forth in 37 C.F.R. § 1.17 (p) .

STATEMENT UNDER 37 C.F.R. § 1.97(e)(1)

- ☐ (6) The undersigned hereby states that each item of information contained in the attached Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement.

STATEMENT UNDER 37 C.F.R. § 1.97(e)(2)

- ☐ (7) The undersigned hereby states that no item of information contained in the attached Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in the attached Information Disclosure Statement was known to any individual designated in 37 C.F.R. § 1.56 (c) more than three months prior to the filing of this Information Disclosure Statement.

The filing of this Information Disclosure Statement is not a representation by the undersigned as to personal knowledge of the contents of every word or phrase of the material enclosed or that reliance on other suitably trained professionals has not been made.

In accordance with 37 C.F.R. § 1.97(g), no representation is made that a search of the prior art has been conducted.

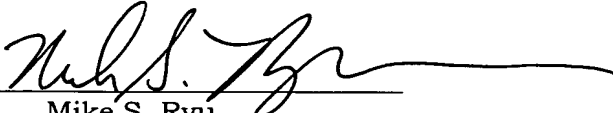
In accordance with 37 C.F.R. § 1.97(h), Applicant makes no admission that the information cited in the present Information Disclosure Statement is, or is considered to be, material to patentability in accordance with 37 C.F.R. § 1.56(b).

If a search report of a searching agency is enclosed identifying the nature of the relevance of each document, such a designation is deemed to satisfy 37 C.F.R. § 1.98(a)(3) even if in a foreign language because the codes are the same in all languages. However, applicant(s) does not necessarily adopt the position reflected by that report. In addition, Applicant(s) submit herewith a list of certain terms from the search report translated into English, solely to facilitate the Examiner's consideration. No representation is made that the list is a complete translation of the foreign-language search report.

The Commissioner is hereby authorized to charge any fee due in connection with this communication, payment of any additional fees associated with this communication, or credit any overpayment to Deposit Account No. 502-927.

Respectfully submitted,

**CABINET BEAU DE LOMENIE**

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Date: August 31 2004



PTO/SB/08A (08-03)

Approved for use through 07/31/2006. OMB 0651-0031

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Substitute for form 1449/PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Sheet 1

of 2

**Complete if Known**

Application Number	10/735 603
Filing Date	December 12, 2003
First Named Inventor	BELLIARD et al.
Art Unit	3738
Examiner Name	Unknown
Attorney Docket Number	802220-0022US

**U. S. PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)			
		US- 5 899 941	05-04-1999	Nishijima et al.	See FR search report
		US- 6 113 637	09-05-2000	Gill et al.	See FR search report
		US- 6 572 653 B1	06-03-2003	Simonson	See FR search report
		US-			
		US-			
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**FOREIGN PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> -Number <sup>4</sup> -Kind Code <sup>5</sup> (if known)				
		WO 01/64140 A1	09-07-2001	SCIENT'X	See FR S. Rept.	
		EP 0 699 426 A1	03-06-1996	MENDINOV S.A.	See FR S. Rept.	
		FR 2 799 638	04-20-2001	Zacouto	See FR S. Rept.	
		WO 01/01893 A1	01-11-2001	SPINE SOLUTIONS	See FR S. Rept.	

Examiner  
SignatureDate  
Considered

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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<b>Substitute for form 1449/PTO</b>  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (Use as many sheets as necessary)		<b>Complete if Known</b>	
		Application Number	10/735 630
		Filing Date	December 12, 2003
		First Named Inventor	BELLIARD et al.
		Art Unit	3738
		Examiner Name	Unknown
Sheet 2	of 2	Attorney Docket Number	802220-0022US

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
		Copy of Preliminary FR Search Report dated May 3, 2004	

Examiner Signature	Date Considered
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached. This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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